

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

ANN L. BRESLIN,

Plaintiff,

v.

STATE OF DELAWARE
DEPARTMENT OF NATURAL
RESOURCES AND ENVIRONMENTAL
CONTROL,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:
:

C.A. NO. 05-290 (GMS)

JURY TRIAL DEMANDED

PLAINTIFF'S MOTION TO PARTIALLY AMEND SCHEDULING ORDER

COMES NOW, the Plaintiff, Ann Breslin (hereinafter "Plaintiff"), by and through her attorneys, hereby requests that this Court grant her Motion to Extend The Discovery Deadline to August 24, 2006 for the following reasons:

1. On July 24, 2006, Plaintiff served Defendant, State of Delaware Department of Natural Resources and Environmental Control (hereinafter "DNREC") with Request For Production of Documents and Plaintiff's First Set of Interrogatories Directed to Defendant.

2. On July 27, 2006, Plaintiff received a letter from counsel for Defendant, DNREC, informing Plaintiff's counsel that discovery in this case had to be initiated and completed on or before July 24, 2006.

3. Immediately thereafter, Plaintiff's counsel re-reviewed the Scheduling Order and realized that the discovery deadline had been incorrectly calendared on Plaintiff's counsel's schedule of deadlines.

4. Having become aware of the scheduling error, Plaintiff's counsel contacted Defense counsel on July 26, 2006 to inquire as to whether defense counsel would stipulate to an extension of the discovery deadline of 30 days.

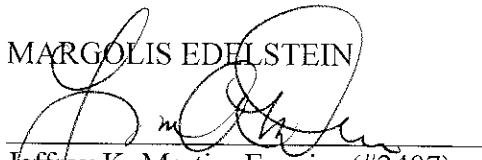
5. Defendant's position is that they are unwilling to stipulate to this extension at this time because the Summary Judgment deadline would fall four days prior to the deadline for dispositive motions. In all fairness to Defendant, if the discovery deadline is extended to August 24, 2006, so then should the deadline for dispositive motions be extended until September 28, 2006.

6. During Plaintiff's conversation with Defendant's counsel on July 26, 2006, defense counsel requested medical information (i.e., a complete list of Plaintiff's medical care providers for the last 15 years), and also asked that a signed medical authorization be forwarded to Defendant to obtain medical records.

7. It is Plaintiff's position that Defendant is not entitled to this additional medical information or to a signed authorization from Plaintiff to obtain her medical records as the discovery deadline is closed and thus, it would be beneficial for both parties if an extension of the discovery deadline was granted.

WHEREFORE, Plaintiff respectfully requests a partial amendment to the Scheduling Order for the reasons outlined above.

MARGOLIS EDELSTEIN



Jeffrey K. Martin, Esquire (#2407)
Lori A. Brewington, Esquire (#4522)
1509 Gilpin Avenue
Wilmington, DE 19806
(302) 777-4680
(302) 777-4682 Fax
Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

ANN L. BRESLIN,

Plaintiff,

V.

**STATE OF DELAWARE :
DEPARTMENT OF NATURAL :
RESOURCES AND ENVIRONMENTAL: :
CONTROL, :**

Defendant.

C.A. NO. 05-290 (GMS)

JURY TRIAL DEMANDED

PROPOSED ORDER

Upon consideration of the Plaintiff's Motion to Partially Amend the Scheduling Order dated July 31, 2006, IT IS HEREBY ORDERED that:

1. The Discovery Deadline is extended until _____;

and

2. The date by which Dispositive Motions must be filed is _____;

JUDGE